

**Marine and Coastal Zone Advocacy Council  
Ke Kahu O Na Kumu Wai**

Thursday, July 10, 2003  
10:45 am – 3:30 pm  
Lihue Civic Center  
Mo'ikeha Building Room 2A  
4444 Rice Street  
Lihue, Kauai 96766

MINUTES

Members Present: Lawrence Aki, Donna Brown, James E. Coon, Arnold Lum, John B. Ray, Roland Sagum III, Susan Sakai, Anne E. Sturgis, Scott Sullivan, Don Thornburg

Members Absent: Mary Cabuslay, Ron Terry

Office of Planning, Coastal Zone Management Staff: Christina Meller, Mary Lou Kobayashi

Recorder: Mona Jaweed

Others Present: Carl Berg, Hanalei Watershed Hui; Caren Diamond, self; Don Heacock, DAR/DLNR Kauai; Tim and Hope Kallai, Malama Moloa'a; Rhoda Libre, CZMAC Kauai Westside Watershed Council KISC/GIRC&D; Amy Marvin, self Pila'a resident; Bruce Pleas, Kekaha resident; Barbara Robeson, self; Carol Wilcox, self; Doug Haigh, Kauai Public Works Building Division; Tim Bynum, Mayor's Office

DISTRIBUTED MATERIAL

- Meeting Agenda
- April 9<sup>th</sup> and 10<sup>th</sup>, 2003 Meeting Minutes
- 3 Access/ Parking GIS Maps of Oahu
- Gov. Lingle's Letter to Mary Lou Kobayashi
- CZM Program Administration Report to MACZAC
- CZM Water Quality Working Group, June 23, 2003 Meeting Notes
- N-SPECT Summary and Info Handout
- CZM/ GIS Map of Wai'anae Ecological Characterization

**Call to Order**

Chair Susan Sakai called the meeting to order at 10:45 am. Council members and general public introduced themselves.

Announcements Christina Meller announced that half of the MACZAC members serving a two year term are up in October 2003. MACZAC was formed at the end of the year 2001. MACZAC members were given either a two or three year term in an effort to provide continuity on the council. A statewide recruitment notice will be sent later this year to all the islands. Current members are advised to reapply if they wish to serve a three year term.

Caren Diamond announced a Board of Land and Natural Resources meeting concerning Shoreline Certification, on Friday, July 11, 2003. She urged MACZAC involvement which she will elaborate on during the Public Participation and Open Discussion portion of the agenda.

### **Approval of April 9<sup>th</sup> and 10<sup>th</sup>, 2003 Meeting Minutes**

Corrections: Motion was made, moved and passed to note that Scott Sullivan was present at the meetings and Susan Sakai's name was misspelled.

The letters heading the bullet points listed under the Role of the Advocacy Group from April 10, 2003 are not clear, since nobody remembers what they stood for.

Minutes were accepted as corrected.

### **Introduction - taken out of order**

Anne Sturgis, the newest Big Island MACZAC member was introduced. She briefly described her environmental background and previous work in San Francisco, CA and Minneapolis, MN. She currently works in the mental health sector and concentrates her effort on children.

### **CZM Hawaii Program Report**

Mary Lou Kobayashi presented the report to MACZAC.

*Governor's Letter to Mary Lou Kobayashi:* OP has been instructed to consult with and report to Peter Young, Chairperson, Department of Land and Natural Resources. The Governor's letter explains that the transfer bill did not pass but that OP's functions are in line with DLNR. Weekly meetings are being held with DLNR. This solution is well accepted so far. OP is still administratively attached to the Department of Business, Economic Development & Tourism. NOAA will also be included in the consultation process. Budget concerns were expressed by MACZAC members

*Important Meetings:* The CZM Hawaii Program Coordinator and 2 staff members will attend the CZ 03 (Coastal Zone 2003) conference in Baltimore this month, which provides opportunity for resource managers of all levels to exchange valuable information. In cooperation with NOAA's CSC (Coastal Services Center), CZM will host 2 workshops. CZM staff will also attend and make presentations at the All Islands CZM Regional Meeting in American Samoa in August. This meeting focuses specifically upon Pacific Island areas. The CZM Hawaii Program Coordinator will attend the CSO (Coastal States Organization) Annual Meeting in New Hampshire, this October. This meeting helps formulate CSO advocated policies for states' development of congressional agendas. Lawrence Aki questioned why a MACZAC member was not invited to attend the CZ 03 meeting. MACZAC members unanimously supported a motion that the MACZAC chair should get together with Chris Chung to discuss a member of MACZAC attending future CZM conferences.

*Ocean Resources Management Plan (ORMP):* The large Hawaii Summit-to-Sea 2003 Conference was re-scheduled to October of 2004. The recent travel constraints, due to SARS, decreased travel budgets; terrorism and war are cited as the main reasons for postponement. Island workshops and mini symposiums were suggested as alternatives. Council member were concerned over availability of federal funding in 2004 and the change of the conference to an international large event. Jim Coon expressed concerns that this was the third conference delay

and the shift in venue may change the main conference purpose of updating of the Hawaii ORMP. Mary Lou Kobayashi plans to discuss the matter further with her staff and the ORMP Working Group. Arnold Lum mentioned some issues were continually postponed so that they would be dealt with at the Summit, which is being pushed back again. He felt certain issues were in need of immediate attention such as the ocean recreation management plan which hasn't received a public airing. The new tow in rules, vessels anchored off shore containing a whole recreational flotilla that can be unleashed in the water such as waterslides. Susan Sakai supports pre-conference workshops, and symposiums within the islands. Susan also indicated there were issues of enforcement that should be taken up as part of the ORMP. Mary Lou indicated the ORMP is not just a plan but also implementation. The pre and post summit meetings would bring in stakeholders that would be committed to implementing the ORMP. James Coon would like to attend and receive notification of ORMP working group meeting either in person or by conference call.

*Coastal Hazards:* Section 309 grant funds were contracted with Kauai and Hawaii County to help with risk and vulnerability assessment and the development of Multi-Hazard Mitigation Strategies. IKONOS Satellite Imagery is being used as a tool in this process as well. CZM is holding hazard mitigation workshops in cooperation with the State Civil Defense, July 23-25, 2003, at the Radisson Waikiki Prince Kuhio Hotel. The focus will be on impacts of hazards on private industry and businesses and how to prepare for them. The agencies are also providing grant funding for the Cities on Volcanoes Conference on the Big Island July 14-18, 2003. Additionally, CZM continues to be a member of the Statewide Hazards Mitigation Forum and serves on the Earthquake, Lava Flow Mitigation, Tsunami and Hurricane Committees.

*Cumulative and Secondary Impacts (CSI):* Proposals for contractor selection to develop the Waianae ahupua'a watershed management strategy have been submitted to DBEDT's contract office. Progress was made in the WEC (Waianae Ecological Characterization) and N-SPECT Water Quality Assessment Tool. CZM will be gathering community input for the project at a meeting on July 29, 2003. An ethnographer was hired by CZM to help document cultural information along with the facilitator, Mapping Change. This project is a prototype; Section 309 grant funds apply to it and include the development of the water quality tool. Similar projects have been implemented on the mainland and focus is now shifting toward the Hawaiian Islands, making funds available.

*Federal Coastal and Estuarine Land Conservation Program (CELCP):* The program helps to protect coastal and estuarine lands that have ecological, recreational, etc. value. CELCP was given \$64 million in funding which is competitive and only federally approved CZM Programs can apply. In order to be eligible for funding CZM Hawaii needs to prepare a plan. CZM Hawaii is collaborating with partners to develop a plan.

### **Public Participation – Open Discussion**

Susan Sakai precluded the open discussion by citing past experiences and methods for the new Council member and general public. By comparing results and/ or patterns or similarities that come up between the islands, committees are formed to address specific needs of the citizens, brought to the Council's attention through the public input.

Barbara Robeson thanked the Council for its work and for making available important information and meeting minutes. Her three main concerns about shoreline certification were the actual definition of the rules and the inconsistencies between the state surveyor applying them, as

well as the position of the state on planting and irrigating shorelines, to extend them, on the North Shore of Kauai.

Caren Diamond addressed the Council concerning shoreline certification. She brought in materials from a lawsuit on this issue, as well as photographs depicting certain lots in question, on the North Shore of Kauai. She mentions the loss of shorelines as infringing on public lands and therefore citizens' rights, with statewide implications. Artificially planted shorelines are a problem on other islands as well. Marine life is also affected by the artificial extension of shoreline properties. The State is accepting artificially planted shorelines instead of the debris line, to mark the boundary for lots. Her efforts to document the natural shoreline and stop the extension of North Shore properties have been largely in vain, in terms of changing the criteria applied by state surveyors. She mentions that state surveyors maintain that any plants surviving the winter in an artificially planted area, even on public land, make up an acceptable shoreline.

Christina Meller, mentioned a previous incident, concerning the Wailua Golf Course, where artificial setting of the shoreline was stopped because of there was a precedent Maui court ruling. Caren Diamond said she cited the Maui case in her hearings, without any result.

Council member Donna Brown visited the sites in question earlier that day. She said the lots are large already and building houses further back would not affect the view or living quality, especially since they are built on stilts anyway. Secondly, building the houses further towards the ocean may actually be hazardous during larger wave conditions. Council member Scott Sullivan brought up that planting vegetation can act as a defense against erosion, but at the same time should not be applied as certification criteria.

In closing, there are many open questions about the certification process itself and definition of shoreline. It seems necessary, to incorporate the seasonal variation of wave size and wash upon the beach into the certification process. MACZAC does not feel it has enough information at this time to become active at the hearing on July 11, 2003, but will research the matter further, to prepare for a formal discussion. Christina Meller will try to have the Shoreline Certification workgroup meet on Maui, in October 2003, during the HCPO Meeting. Coordinated efforts to discuss the shoreline topic may be possible this way.

Bruce Pleas, from the West Side of Kauai, introduced several points to the Council Meeting. He requested that MACZAC start videotaping its meetings and airs them on government access channels. He believes public response would be very high. He asked MACZAC to lobby for a complete stop on building in SMA areas, flood and tsunami areas; these areas should be left for public use. He cited the West Side areas that are affected by Coastal Erosion. He voiced concerns about Shoreline Certifications on public beaches, which are performed without citizens' knowledge and also involve artificial shoreline setting. He asked that MACZAC act as a median, between community and government bodies. Taking note of the seasonal condition of beaches in the process of certification was mentioned again.

Bruce Pleas commended Gary Wentin from the Department of Health, for water quality testing. However, he refuses to test outfalls from streams, saying they are already polluted. Therefore, according to Bruce Pleas, the state has no idea what is going into the ocean. He says Salt Pond to Waimea is a good area to test agricultural runoff, sugar mill pollution and mill camps. Pakala, 1.5 miles East of Waimea, a popular surf spot, was the site 100 ft. round area of raw sewage July 4, 2003, not covered in the media. It seems this sort of thing has happened before on a holiday, he asks that emergency numbers become available to the public, so these incidents can be monitored. Rivers on the West Side are diverted into agricultural areas and then routed back, flowing into the

ocean carrying pollutants, even in popular fishing areas. Genetically engineered plants in these agricultural areas are another major concern in the runoff polluting the rivers and ocean. A company of great concern is Seatech, which uses large amounts of saltwater for shrimp production. They let wastewater run off in an unlined ditch, which allows saltwater to flow into ground water, before running into the ocean. The smell of the shrimp attracts huge tiger sharks in the area. Dead tilapias are very common here. According to Bruce Pleas, tour boats do not adhere to the 3 mile dumping rule, they dump waste much closer to shore affecting the coastline, especially around the Na Pali Coast.

Dr. Carl Berg representing the Hanalei Watershed Hui, informed MACZAC about the 4 active Watershed Councils on Kauai – the West Side, Nawiliwili Bay, Anahola and Hanalei. Citizens started measuring water quality, since the government was not doing a thorough job. The Watershed Councils of Kauai applied for and received an EPA Watershed Initiative Grant in the amount of \$700,000, an additional \$500,000 from other federal agencies and \$250,000 in community funds. The funds will become available in September 2003 and will be used to clean the Hanalei Bay area, specifically the sediment and bacteria from runoffs. US Geological Survey, Department of Agriculture and University of Hawaii will help the Councils to map erosion and pollution in the area. Some ongoing projects which will help serve as a model for other island states as well. The website provides more information on current projects and contacts: [hanaleiriver.org](http://hanaleiriver.org)

Don Heacock, the District Aquatic Biologist with DLNR on Kauai, voiced his agreement with the public presentations of the day. He mentioned that the shrimp production could actually increase output by reusing the water currently being dumped in the ocean. He stressed controversies between environmentalists and developers could be achieved by promotion of sustainable development on both sides. He urged MACZAC to look into Hawaii State current policies which are in place, but not being enforced. Additional problems occur during policy application because there is a large range of interpretation possible that should be reviewed. Public Access is not always granted in areas that should fall under that jurisdiction.

Amy Marvin of Pila'a had a highly publicized landslide on her property which damaged the reef. She called for formation of a watchdog group to help prevent such incidents from happening, as the damage is irreversible and hopes that MACZAC will be instrumental in this.

Tim and Hope Kallai presented their concerns about erosion and vegetation. A situation similar to the artificial shoreline setting was described, pertaining to public trails. They were very concerned about the ongoing loss of public lands and access, as well as the hazards of uncontrolled livestock polluting beaches.

### **Working Group Reports**

In lieu of time constraints, Susan Sakai asked members to limit their informational contributions and concentrate on ones that would require action.

- The Coastal Erosion Working Group discussed shoreline certification at their last meeting. Donna Brown was able to participate by telephone. It was decided, that shoreline certification is a legal and political construct at present, with some technical basis in engineering and science. Therefore, technical information could be reviewed and suggestions made by the Coastal Erosion Working Group but the certification issues should remain with the Shoreline Certification Working Group. The group agree that a Shoreline Certification Working Group face to face meeting with all interested parties would be the next step.

- Water Quality Group submitted a report requesting the MACZAC allocation for the group to be used for a public educational video tape and a face to face meeting of the working group. The group has prioritized water quality issues.
- Coastal Access Group has compiled drafts access maps for three regions on Oahu the other two Oahu areas are in progress. There are interested folks on Maui that would like to work on access maps. The project was to identify public parking areas that could potentially be closed if the coastal area is developed and the maps given to the permitting agencies so that the impact of such actions would be realized ahead of time.

### **Old Business**

The Coastal Erosion Committee and Ocean Resources have given their allotment of money back to the Council. These funds may be used for attendance of the Meeting on Maui, in October. A motion was made, moved and passed for transfer of remaining MACZAC Committee funds to the October Meeting.

### **October Meeting Date - taken out of order**

The next meeting date is set for October 8, 2003 on Maui in conjunction with the HCPO Conference. Further details will be established via e-mail since we need to arrange the meeting with HCPO planners.

### **New Business**

The Kapaa Field Trip was not possible due to time limitations. Instead the Council members visited Lydgate Park, which has recently added a new access road, recreation area and bathroom facilities. Doug Haigh and Tim Bynum served as our guides to the area. This is the first phase of the coastal bypass connecting Anahola and Nawiliwili.

### **Adjournment**

Meeting adjourned at 2:30 pm.